

In The United States District Court
For The Western District of Pennsylvania

Douglas Burton Leuschen
petitioner, in propria persona, *Lui Jura*

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Case # 05-157E

Commonwealth of Pennsylvania
Respondent

Motion For Extension of Time

FILED
06 SEP -8 10:31
CLERK
U.S. DISTRICT COURT

Come now the petitioner, Douglas Burton Leuschen, pro-se, before the honorable court and moves for an Extension of Time to file his "Response and Objections to the Magistrate Judge's Report and Recommendation to Dismiss" in his Petition for Writ of Habeas Corpus Section 2254, and so states his causes herein:

Douglas Burton Leuschen #07475068
F.C.I. McKean
P.O. Box 2000
Brookford, Pa. 16701
9-6-06

1. Petitioner has worked diligently on his Response and Objections to Magistrate Judge's Report and Recommendation to Dismiss his Petition for Writ of Habeas Corpus. Due to restricted access to law library resources, whereby typically there are 30 plus inmates trying to utilize 15 work stations and must wait for inmate workers of law library to retrieve law books in caselaw and Rules of Procedure the petitioner was unable to research his issues with any more dispatch. Since August 29, 2006, he has had his research done and began drafting his document.
2. Petitioner has arthritis, Fibromyalgia, and Degenerative disc disease which has limited his ability to work for any length of time. He anticipated completing his document to post Sept 4, 2006, but due to his inability to obtain a work station at the law library, or in his cell, and because he cannot access other facilities because of his disability, inability to climb stairs he fears he will not have his Response... done in time.
3. Petitioner has appropriated and scheduled his work load to maintain his continued effort but due to circumstances beyond his control has been set back, despite his diligence.

4. Petitioner will endeavor to file his Response.., at the earliest possible time, but requests the honorable court to extend his time to file Response and Objections.., until Sept 18, 2006.
5. Due to the cool wet weather these past two weeks petitioner's ability to sit and write has been further impaired requiring shorter work periods and more frequent rests.
6. For the above stated causes petitioner humbly requests the court to grant him an extension of time to file his "Response..," until Sept 18, 2006.

Douglas Burton Leuschen
F.C.I. McKean
P.O. Box 8000
Bradford, Pa. 16701
9- -06

Affidavit

I, Douglas Burton Leuschen do hereby certify that the foregoing Motion for Extension of Time is true, accurate, and correct to the best of my knowledge, information, and belief and so state in accordance with 28, U.S.C., Section 1746.

Douglas Burton Leuschen #07475068
9-6-06

Proof of Service

I, Douglas Burton Leuschen hereby certify that a true copy of the foregoing Motion for Extension of Time has been sent by first class mail this 6th day of September 2006, to the following parties:

- 1.) Erie County District Atty. Asst.
Lisa Stone
140 W 6th St
Erie, Pa. 16501

Douglas Burton Leuschen #07475068
F.C.I. McKean, P.O. Box 8000
Bradford, Pa. 16701
9-6-06

- 2.) Clerk Fed. Dist. Court
227 U.S. Courthouse
P.O. Box 1820
Erie, Pa. 16507

- 3.) Pa. Atty General Gerald Rappert
16th Floor Strawberry Square
Harrisburg, Pa. 17120